United Nations S/2016/752

Security Council

Distr.: General
6 September 2016

Original: English

Uruguay: draft resolution

The Security Council,

Recalling its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, 1966 (2010) of 22 December 2010, and 2256 (2015) of 22 December 2015,

Taking note of the letter to the President of the Security Council from the Secretary-General dated 5 August 2016 (S/2016/693), transmitting a letter from the President of the International Tribunal for the former Yugoslavia (ICTY) dated 29 July 2016,

Recalling article 7 of the Transitional Arrangements set out in Annex 2 to Security Council resolution 1966 (2010), pursuant to which a judge of the International Residual Mechanism for Criminal Tribunals (Mechanism) may also hold the office of judge of the ICTY,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to amend the Statute of the ICTY by adding Article 13 *quinquies* as set out in the annex to this resolution;

2. *Decides* to remain seized of the matter.

16-15489 (E) 060916

Please recycle

Annex

Article 13 *quinquies*
Appointment of ad hoc judge

If there is no permanent judge currently serving at the International Tribunal available for assignment to the Appeals Chamber, and all practical alternatives having been explored, the Secretary-General may, at the request of the President of the International Tribunal and after consultation with the President of the Security Council, appoint a former judge of the International Tribunal or of the International Criminal Tribunal for Rwanda who is also a judge of the International Residual Mechanism for Criminal Tribunals, as a judge of the International Tribunal, to be assigned on an ad hoc and temporary basis to the Appeals Chamber, notwithstanding article 12, paragraph 3 and article 14 paragraph 3 of the Statute. The terms and conditions of service of a judge appointed pursuant to this paragraph for each day on which he or she exercises functions for the Appeals Chamber shall be those of a judge ad hoc of the International Court of Justice.